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| APPLICATION NO.                           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/541,985                                | 07/11/2005  | Frank Uittenbogaard  | NL 030038           | 8005             |
| 24737                                     | 7590        | 07/27/2007           | EXAMINER            |                  |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS |             |                      | KEATON, SHERROD L   |                  |
| P.O. BOX 3001                             |             |                      | ART UNIT            | PAPER NUMBER     |
| BRIARCLIFF MANOR, NY 10510                |             |                      | 2174                |                  |
| MAIL DATE                                 |             | DELIVERY MODE        |                     |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>  |  |
|------------------------------|------------------------|----------------------|--|
|                              | 10/541,985             | UITTENBOGAARD, FRANK |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>      |  |
|                              | sherrod keaton         | 2174                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 11 July 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-11 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 11 July 2005 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7-11-2005.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date.       .  
5)  Notice of Informal Patent Application  
6)  Other:       .

## **DETAILED ACTION**

This action is in response to the original filing of July 11, 2005. Claims 1-11 are pending and have been considered below:

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claim 11 is rejected because it claims a computer program product. A computer program product does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter). It should be stated as a computer program product stored on a computer readable medium.

### ***Claim Rejections - 35 USC § 112***

2. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, because the device in this claim consists is a single means: the device only provides a means, which is only the navigation tool, and thus is interpreted as a single means/single step claim under MPEP 2164.08(a).

"A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to *Hyatt* is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor."

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 7-8, and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Graham (US 2003/0184598 A1).

**Claim 1:** Graham discloses a method of enabling a user to navigate to a desired part in a recording, comprising:

creating the recording from a received signal (Page 4, Paragraph 51),

associating a plurality of positions in the recording with respective points in time from which the signal representing content at these positions has been received (Page 5, Paragraph 55-57), The navigation bar shows time divided keyframes from the start to the finish of the recording.

obtaining a desired point in time, from which the signal representing the desired part is known to have been received (Page 5, Paragraph 55-57), The keyframes are time-stamped to allow selection of desired parts in the recording.

proceeding to the particular position in the recording of which the associated point in time substantially equals the desired point in time, whereby verification whether the associated point in time substantially equals the desired point in time is executed by a device (Page 5, Paragraph 55-57). By having absolute time the user is allowed to select and verify exact spots, which they choose to view.

**Claim 2:** Graham discloses a method as in claim 1 above, further disclosing associating the plurality of positions in the recording with respective points in time is realized by:

assigning to the recording a begin timestamp indicating the point in time from which the signal representing the begin of the recording has been received (Page 4, Paragraph 52 and Page 5, Paragraph 62 ), The navigation bar can playback a current time of the recording showing when the recording was received.

assigning to each of the plurality of positions in the recording a position timestamp indicating, relative to the begin timestamp, the point in time from which the signal representing content at that position has been received (Page 5, Paragraphs 56, 57 and 62; Fig. 7). The timestamp allows keyframes to divided into smaller keyframes of time and provide specific selection to the user as shown in the figure.

**Claim 3:** Graham discloses a method as in claim 1 above, further disclosing associating the plurality of positions in the recording with respective points in time is realized by assigning to each of the plurality of positions in the recording a position timestamp indicating the point in time from which the signal representing content at that position has been received (Page 4, Paragraph 52 and Page 5, Paragraphs 56, 57 and 62; Figure 7). The content is timestamped showing when the recording was received and its position relative to the entire recording.

**Claim 4:** Graham discloses a method as in claim 1 above, further disclosing the recording is created from a received broadcast signal and whereby the desired point in time is the scheduled broadcast time of the broadcast signal representing the desired part (Page 4, Paragraph 51).

**Claim 7:** Graham discloses a reproduction device enabling a user to navigate to a desired part in a recording, wherein a plurality of positions in the recording are associated with respective points in time from which the signal representing content at these positions has been received, the device comprising:

verification means for verifying whether the associated point in time of a particular one of the plurality of positions in the recording substantially equals a desired point in time from which the signal representing the desired part is known to have been received (Page 5, Paragraph 55-57 and Page 6, Paragraph 69), proceeding means for proceeding to the particular one of the plurality of positions in the recording of which the associated point in time substantially equals the desired point in time (Page 5, Paragraph 55-57). By having keyframes associated with the current time of the recording a user can verify a selection based on a desired time and the navigation bar can proceed to that keyframe.

**Claim 8:** Graham discloses a reproduction device as in claim 7 above, further comprising input means for obtaining the desired point in time (Page 4, Paragraph 44).

**Claim 10:** Graham discloses a reproduction device as in claim 7 above, further disclosing wherein the offset obtaining means is arranged to obtain the offset from an Electronic Program Guide (Page 4 and 5, Paragraph 53). TiVo is an electronic program guide, which includes an offset mechanism.

**Claim 11:** Graham discloses a computer program product comprising software code for causing a processor to (Page 4, Paragraph 46):

enable a user to navigate to a desired part in a recording, wherein a plurality of positions in the recording are associated with a point in time from which a signal 110 representing content at that position has been received (Page 5, Paragraphs 55-57 and 62);

verify whether the associated point in time of a particular position in the recording substantially equals a desired point in time from which the signal representing the desired part is known to have been received (Page 5, Paragraphs 55-57); and

proceed to the particular position in the recording of which the associated point in time substantially equals the desired point in time (Page 5, Paragraphs 55-57).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (US 2003/0184598 A1) in view of Barton (6327418 B1).

**Claim 5:** Graham discloses a method as in claim 4 above, Graham does not explicitly disclose an offset is obtained indicating the difference between the scheduled broadcast time and the actual point in time from which the broadcast signal representing the desired part has been received and whereby the verification whether the associated point in time substantially equals the desired point in time is based on the offset. However Barton discloses a method and apparatus implementing random access and time-based functions on a continuous stream of formatted digital data and further discloses a relative mode with an offset setting (Column 9, Lines 50-61). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have an offset in Graham as taught by Barton. One would have been motivated to have an offset to improve user viewing experience and provide all of the content the user expected to see.

**Claim 6:** Graham and Barton disclose a method as in claim 5 above, and Graham further discloses whereby the offset is obtained from an Electronic Program Guide (Page 4 and 5, Paragraph 53). TiVo is an electronic program guide, which includes the offset mechanism.

**Claim 9:** Graham discloses a reproduction device as in claim 7 above, wherein the recording is created from a received broadcast signal and wherein the desired point in time is the scheduled broadcast time of the broadcast signal representing the desired part (Page 4, Paragraph 51), Graham does not explicitly disclose that the device further comprising offset obtaining means for obtaining an offset indicating the difference between the scheduled broadcast time and the actual point in time from which the broadcast signal representing the desired part has been received, and wherein the verification means is arranged to verify whether the associated point in time substantially equals the desired point in time on basis of the offset. However Barton discloses a method and apparatus implementing random access and time-based functions on a continuous stream of formatted digital data and further discloses a relative mode with an offset setting (Column 9, Lines 50-61). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have an offset in Graham as taught by Barton. One would have been motivated to have an offset to improve user viewing experience and provide all of the content the user expected to see.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KRISTINE KINCAID can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

7-19-07

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